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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
CYRIL ALLOUCHE

Atty. Docket
FR 010003

Serial No. 10/055,389

Examiner: Choobin

Filed: January 23, 2002

Group Art Unit: 2623

FOLLOWING THE DEFORMATION OF A STRUCTURE PER UNIT LENGTH
DEFINED ON AN IMAGE OF A SEQUENCE OF IMAGES OF AN ORGAN
WHICH IS DEFORMABLE OVER TIME

Commissioner for Patents
Alexandria, VA 22313-1450

PETITION UNDER 37 CFR 1.181(a) TO WITHDRAW HOLDING OF ABANDONMENT

Sir:

It is respectfully requested that the holding of abandonment of the above-identified patent be withdrawn. Failure to respond to the Notice of Non-Compliant Amendment, dated May 18, 2005, within the statutory period of one month from the mailing date of a Notice of Non-Compliant Amendment occurred because Petitioners never received said Notice of Non-Compliant Amendment, as evidenced by the Notice of Abandonment dated January 24, 2006 (copy attached).

Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971) states that an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to

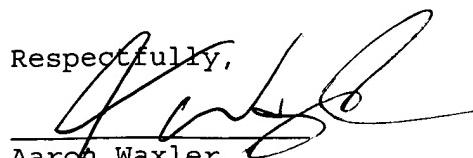
withdraw and remail the Office Action. (See, e.g., M.P.E.P. § 711.03(c)(II))

The practitioner did not receive the Office communication in question (i.e., the Notice of Non-Compliant Amendment). A search of the file jacket and docket records indicates that the Office communication was not received. Attached also is a Declaration of Terese P. Conboy and a computer printout of the Master Docket for U.S. Application Serial No. 10/055,389 (fro010003) to further provide evidence to the Patent Office that the aforesaid Notice was never received by Applicant. Also enclosed as evidence is a copy of the file folder front cover indicating that the Notice of Non-Compliant Amendment was never received.

Petitioners further request that upon granting of this petition, the enclosed complete response to the Notice of Non-Compliant Amendment be entered and prosecution on this case be reopened.

As stated in M.P.E.P. § 711.03(c)(I), no fee is required for a petition to withdraw the holding of abandonment. The Assistant Commissioner of Patents is hereby authorized to charge any additional fees or surcharges that may be required, or credit any overpayment to Account No. 14-1270.

Respectfully,


Aaron Waxler
Reg. No. 48,027
(914) 333-9608
March 3, 2006

Enclosures: Copy of Abandonment
File folder front cover
Declaration of Terese P. Conboy
Copy of computer printout of Master Docket

CERTIFICATE OF MAILING

It is hereby certified that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to:

COMMISSIONER FOR PATENTS
Alexandria, VA 22313-1450

On 03/14/2006
By J. Lampert